

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1023

Introduced by Assembly Member Rendon

February 26, 2015

An act to add Section 1701.6 to the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

AB 1023, as amended, Rendon. Public Utilities Commission: proceedings: ex parte communications.

The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities and authorizes the commission to establish rules for all public utilities, subject to control by the Legislature, and to establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. The Public Utilities Act requires the commission to determine whether a proceeding requires a hearing and, if so, to determine whether the matter requires a quasi-legislative, an adjudication, or a ratesetting hearing. For these purposes, quasi-legislative cases are cases that establish policy rulemakings and investigations which may establish rules affecting an entire industry, adjudication cases are enforcement cases and complaints except those challenging the reasonableness of any rates or charges, and ratesetting cases are cases in which rates are established for a specific company, including general rate cases, performance-based ratemaking, and other ratesetting mechanisms. Existing law requires the commission, upon initiating a hearing, to assign one or more commissioners to oversee the case and an administrative law judge, where appropriate. The act

regulates communications in hearings before the commission and defines “ex parte communication” to mean any oral or written communication between a decisionmaker and a person with an interest in a matter before the commission concerning substantive, but not procedural, issues that does not occur in a public hearing, workshop, or other public proceeding, or on the official record of the proceeding on the matter. Existing law requires the commission, by regulation, to adopt and publish a definition of the terms “decisionmaker” and “persons” for those purposes, along with any requirements for written reporting of ex parte communications and appropriate sanctions for noncompliance with any rule proscribing ex parte communications.

This bill would require the commission to establish and maintain a weekly communications log summarizing all oral or written ex parte communications, as specified, and to make each log available to the public on the commission’s Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1701.6 is added to the Public Utilities
2 Code, to read:
3 1701.6. The commission shall establish and maintain a weekly
4 communications log summarizing all oral or written ex parte
5 communications, as defined in Section 1701.1, made in that week.
6 The communications log shall include a summary of all oral and
7 written communications that meet the definition of an ex parte
8 communication that occur between a person with an interest in a
9 matter before the commission and a commissioner, advisor to a
10 commissioner appointed pursuant to Section 309.1, the executive
11 director of the commission, a deputy executive director, a ~~division~~
12 ~~director~~, *director of a division that is not acting as a party in a*
13 *related proceeding*, or an administrative law judge. Each
14 communication log shall include the date of each communication,
15 the persons involved in the communication, and, to the extent
16 known, any proceedings that were the subject of each
17 communication. Each log shall be made available to the public on
18 the commission’s Internet Web site.

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